



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF AIR QUALITY
Cheryl Heying
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQ-044-07

MEMORANDUM

TO: Air Quality Board

THROUGH: Cheryl Heying, Acting Executive Secretary

FROM: Dave McNeill, SIP/Rules Section Manager

DATE: June 21, 2007

SUBJECT: Five-Year Reviews: R307-105. General Requirements: Emergency Controls.

Background

Title 63, Chapter 46a of the Utah Code requires all state agencies to review each of their rules at least every fifth year. This review verifies that the rules are still authorized by statute and necessary. We have completed the five-year review for R307-105, *General Requirements: Emergency Controls*, and it is still authorized by Utah statute (Section 19-2-112) and required by federal law (40 CFR Section 51.151). Therefore, staff recommends that the Board continue this rule.

Staff Recommendation: Staff recommends that the Board approve the attached form to be filed with the Division of Administrative Rules.

R307. Environmental Quality, Air Quality.

R307-105. General Requirements: Emergency Controls.

R307-105-1. Air Pollution Emergency Episodes.

(1) Determination of an episode and its extent or stage shall be made by the Executive Secretary taking into consideration the levels of pollutant concentrations contained at 40 CFR Section 51.151 and 40 CFR Section 51, Appendix L, and summarized in the table below:

TABLE

AIR POLLUTION EPISODE CRITERIA

(values in micrograms/cubic meter unless stated otherwise)

POLLUTANT	ALERT	WARNING	EMERGENCY	NEVER TO BE EXCEEDED
SULFUR DIOXIDE	800	1,600	2,100	2,620
24-hour average	(0.3 ppm)	(0.6 ppm)	(0.8 ppm)	(1.0 ppm)
PM10	350	420	500	600
24-hour average				
CARBON MONOXIDE				
8-hour average	17,000	34,000	46,000	57,500
	(15 ppm)	(30 ppm)	(40 ppm)	(50 ppm)
4-hour average				86,300
				(75 ppm)
1-hour average				144,000
				(125 ppm)
OZONE				
1-hour average	400	800	1,000	
	(0.2 ppm)	(0.4 ppm)	(0.5 ppm)	
2-hour average				1,200
				(0.6 ppm)
NITROGEN DIOXIDE	1130	2,260	3,000	3,750
1-hour average	(0.6 ppm)	(1.2 ppm)	(1.6 ppm)	(2.0 ppm)
NITROGEN DIOXIDE	282	565	750	938
24-hour average	(0.15 ppm)	(0.3 ppm)	(0.4 ppm)	(0.5 ppm)

An air pollution alert, air pollution warning, or air pollution emergency will be declared when any one of the above pollutants reaches the specified levels at any monitoring site.

In addition to the levels listed for the above pollutants, meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase, or in the case of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are taken.

1 ALERT The Alert level is that concentration at which first
2 stage control action is to begin.

3 WARNING The warning level indicates that air quality is
4 continuing to degrade and that additional control actions are
5 necessary.

6 EMERGENCY The emergency level indicates that air quality is
7 continuing to degrade toward a level of significant harm to the
8 health of persons and that the most stringent control actions are
9 necessary.

10 (2) The Executive Secretary shall also take into
11 consideration, to determine an episode and its extent, rate of
12 change of concentration, meteorological forecasts, and the
13 geographical area of the episode, including a consideration of
14 point and area sources of emission, where applicable.

15
16 **R307-105-2. Emergency Actions.**

17 (1) If an episode is determined to exist, the Executive
18 Director, with concurrence of the Governor shall:

19 (a) Make public announcements pertaining to the existence,
20 extent and area of the episode.

21 (b) Require corrective measures as necessary to prevent a
22 further deterioration of air quality.

23 (2) Episode termination shall be announced by the Executive
24 Director, with concurrence of the Governor, once monitored
25 pollutant concentration data and meteorological forecasts
26 determine the crisis is over.

27
28 **KEY: air pollution, emergency powers, governor*, air pollution**
29 **Date of Enactment or Last Substantive Amendment: September 15,**
30 **1998**

31 **Notice of Continuation: March 26, 2002**

32 **Authorizing, and Implemented or Interpreted Law: 19-2-112**
33
34

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

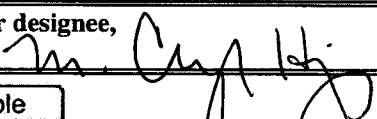
DAR file no:		Date filed:	
Utah Admin. Code	R307-105	Time filed:	
ref. (R no.):			
1. Agency: Environmental Quality/Air Quality			
Room no.:			
Building:			
Street address 1:		150 N 1950 W	
Street address 2:			
City,state,zip:		SALT LAKE CITY, UT 84116-3085	
Mailing address 1:		PO BOX 144820	
Mailing address 2:			
City,state,zip:		SALT LAKE CITY, UT 84114-4820	
Contact person(s):			
Name:	Phone:	Fax:	E-mail: Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline): General Requirements: Emergency Controls
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: Section 19-2-112 allows the executive director of the Department of Environmental Quality, with the concurrence of the Governor, to declare an air pollution emergency and order reductions in emissions of air pollutants. R307-105 establishes the levels of air pollutants that create an emergency as well as other factors used in determining that an emergency exists.
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No written comments have been received about this rule since its last review.
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: R307-105 is required under 40 CFR Section 51.151.
6.	Indexing information - keywords (maximum of four, in lower case): emergency powers, governor, air pollution, air pollution
7.	Attach an RTF document containing the text of this rule change (filename): There is currently a document associated with this filing. <input type="button" value="Rule Text"/>

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:		Date (mm/dd/yyyy):
<input type="button" value="Non Printable"/>		5/24/07